HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.19186 of 1998

Dated 8th Day of March, 2007

Between:

1. Karri Appalaraju (died)
2. Karri Baburao ..
Petitioners

And

The Government of A.P., rep. by the
Secretary, Social Welfare (J) Department,
Secretariat, Hyderabad
and five others ..
Respondents

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O R D E R:

This writ petition is filed to quash G.O.Ms.No.57, dated 8.6.1998 issued by the 1st respondent-Secretary to Government, and consequently direct the respondents to restore the land of an extent of Ac.6.37 cents in S.Nos.24/3, 24/5 and 26/2 situated in Revadipalem village to the petitioners.

The brief facts of the case are that the 1st petitioner is the owner of the land of the extent of Ac.6.37 cents in S.Nos.24/3, 24/5 and 26/2 situated in Revadipalem village, Rajavommangi Mandal, East Godavari District. His father purchased this land from a non-tribal under a registered sale deed dated 14.5.1955. Now, the petitioners' grievance is that they were dispossessed from the land in question.

Heard the learned counsel for both the parties.

In pursuance of the orders dated 17.2.1996 passed in L.T.R.P.No.151 of 1988, the petitioners were dispossessed from the land in question. Thereafter, the 1st petitioner preferred C.M.A.No.3 of 1996 and the 2nd respondent i.e. District Collector, vide judgment dated 16.6.1996, though gave a finding that the unofficial respondents herein are non-tribals, did not order resumption of the land in question having regard to the fact that the transaction between the 1st petitioner and the respondents is not hit by any of the provisions of Regulation 1 of 1959 or Act 1 of 1917. Hence, the 1st petitioner was constrained to

file a revision before the 1st respondent-Government, who dismissed it vide G.O.Ms.No.57, dated 8.6.1998. This Court is of the view that the reasons assigned in the order passed by the revisional authority are vague for various reasons.

1) *Though the learned counsel for the petitioner appeared before the Government, the Govt. gave a finding that the counsel was absent.*
2) *The revisional authority has not assigned any reasons as to why and how the petitioners are not entitled to assignment of the land.*
3) *The revisional authority should have borne in mind that the finding of the appellate authority is to the effect that the unofficial respondents are non-tribals and hence, the said transaction between the petitioners and the unofficial respondents is not hit by any of the provisions of Regulation 1 of 1959.*

Hence, this Court is of the view that the order, dated 8.6.1998 of the 1st respondent is liable to be quashed.

In the result, the Writ Petition is allowed and the impugned order is quashed and remanded to the 1st respondent-Government for fresh consideration. The 1st respondent is directed to give a fresh hearing to the revision preferred by the 1st petitioner by affording an opportunity to both the parties to explain their case and then pass appropriate orders in accordance with law. Having regard to the fact that this Court directed the respondents 2 to 4 not to assign the lands in question to anyone, the interim direction shall continue pending disposal of the revision. No costs.

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08.03.2007

bcj